

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES JORDAN BRITT,

Plaintiff,

v.

PLACER COUNTY JAIL, et al.,

Defendants.

No. 2:21-cv-01225 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order dated March 14, 2022, the court found plaintiff's complaint had stated a cognizable Eighth Amendment deliberate indifference claim against defendant Ortiz but failed to state any other cognizable claim. (ECF No. 6.) The court ordered plaintiff to file notice informing the court whether he wished to proceed on his cognizable claims or be given leave to file an amended complaint. (Id. at 9.) Plaintiff was given thirty days leave to file such a notice. (Id.) Plaintiff was warned that failure to abide by the court's order would result in a recommendation that this action be dismissed. (Id.)

More than thirty days have passed and plaintiff has not filed notice of how he wishes to proceed with the court, filed an amended complaint, requested an extension of time, or otherwise responded to the court's orders. Accordingly, it will be recommended that this action be dismissed for failure to comply with court orders and failure to prosecute.

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1 For the reasons state above, the Clerk of the Court is ORDERED to randomly assign a
2 district judge to this action.

3 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
4 Local Rule 110; Fed. R. Civ. P. 41(b).

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
7 after being served with these findings and recommendations, plaintiff may file written objections
8 with the court and serve a copy on all parties. Such a document should be captioned "Objections
9 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
10 objections within the specified time may waive the right to appeal the District Court's order.

11 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: September 12, 2022

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16 DEBORAH BARNES
17 UNITED STATES MAGISTRATE JUDGE
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